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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,449	09/26/2003	Camillo Mele	133569-00011-1	8441
3705	7590	06/15/2005	EXAMINER	
ECKERT SEAMANS CHERIN & MELLOTT 600 GRANT STREET 44TH FLOOR PITTSBURGH, PA 15219			OMGBA, ESSAMA	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

10/672,449

Applicant(s)

MELE, CAMILLO

Examiner

Essama Omgba

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7 and 9-23 is/are rejected.
- 7) ☒ Claim(s) 5 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6, 7 and 9-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurensen (FR 2454752).

With regards to claims 1, 2, 4, 6, 12-14, 16 and 17, Laurensen discloses a method of making a decorative arrangement comprising providing a thick layer of any known hardenable malleable material (page 2, line 8-10) supported on a rigid board of wood or plastic and securing a plurality of decorative elements to the material before it dries out and hardens, see abstract. Laurensen does not specifically disclose the hardenable material as being a wet foam, however wet foam materials that harden into rigid foam are old and well known in the art as attested by Applicant's Admitted Prior Art to be known as AAPA, page 1-3 and page 8, lines 4-7. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used wet foam as the hardenable material in the method of Laurensen, in light of the teachings of AAPA, in order to achieve the benefits of using such known and readily available known wet foam. Applicant should note that rigid foams are widely used in the floral industry and that using preformed rigid foam as a support structure is an obvious matter of design choice wherein no stated problem is solved or unexpected results obtained in

Art Unit: 3726

using preformed rigid foam as support structure versus any suitable support structure.

For claim 3, Applicant should note that placing the wet foam at least partially on a film having a release surface to which the foam will not bind is an obvious matter of design choice. Also it is within the general knowledge of one of ordinary skill in the art to form the nodule in relation to a particular use.

For claims 9-11 and 18, Applicant should note that the decorative elements of Laurensen include live vegetation, dry vegetation and artificial vegetation. Furthermore it is within the general knowledge of one of ordinary skill in the art to aesthetically present the decorative arrangement.

For claim 15, Applicant should note that it is within the general knowledge of one of ordinary skill in the art to appropriately dry wet foam.

For claims 19 and 20, Applicant should note that the mere duplication of the essential method steps involves only routine skill in the art.

For claim 21, Applicant should note that it is within the general knowledge of one of ordinary skill in the art to appropriately fashion the decorations.

For claim 22, see figure 5 of Laurensen.

3. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laurensen/AAPA as applied to claim 1 above, and further in view of Harris (US Patent 4,941,572).

Laurensen/AAPA discloses a method of making a decorative arrangement as shown above except for providing the wet foam in a plurality of different colors. However it is known to provide such display foam in different colors to enhance the appearance

Art Unit: 3726

thereof as attested by Harris, see column 4, lines 60-64. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided the foam of Laurenson/AAPA in different colors, in light of the teachings of Harris, in order to enhance the appearance of the foam.

Allowable Subject Matter

4. Claims 5 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1-4, 6, 7 and 9-23 have been considered but are moot in view of the new ground(s) of rejection.

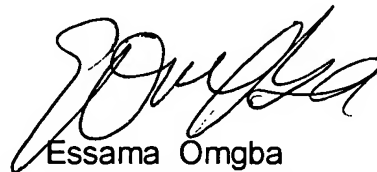
Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Essama Omgba
Primary Examiner
Art Unit 3726

eo
June 11, 2005